

SENATE COMMITTEE AMENDMENTS

2019 Regular Session

Amendments proposed by Senate Committee on Finance to Engrossed Senate Bill No. 182
by Senator Hewitt

1 AMENDMENT NO. 1

2 On page 1, at the beginning of line 2, after "To" and before "enact" insert "amend and
3 reenact R.S. 42:342(B) and to"

4 AMENDMENT NO. 2

5 On page 1, line 7, change "of a" to "of an alleged"

6 AMENDMENT NO. 3

7 On page 1, line 9, after "of the" and before "victim" insert "alleged"

8 AMENDMENT NO. 4

9 On page 1, line 13, after "Section 1." and before "Chapter" insert:

10 "R.S. 42:342(B) is hereby amended and reenacted and"

11 AMENDMENT NO. 5

12 On page 1, between lines 14 and 15, insert the following:

13 "§342. Mandatory policy prohibiting sexual harassment

14 * * *

15 B. At a minimum, the policy shall contain all of the following:

16 (1) A clear statement that unwelcome sexual advances, requests for sexual
17 favors, and other verbal, physical, or inappropriate conduct of a sexual nature
18 constitute sexual harassment when the conduct explicitly or implicitly affects an
19 individual's employment or the holding of office, unreasonably interferes with an
20 individual's work performance, or creates an intimidating, hostile, or offensive work
21 environment and shall not be tolerated.

22 (2) A description of the behavior the agency defines as inappropriate conduct,
23 including examples.

24 (3) An effective complaint or grievance process that includes taking
25 immediate and appropriate action when a complaint of sexual harassment involving
26 any public servant in the agency is received. The complaint process shall detail who
27 may make a complaint, to whom a complaint may be made, and shall provide for
28 alternative designees to receive complaints. Actions taken on the complaint shall be
29 documented.

30 (4) **A general description of the investigation process, including**
31 **requiring the alleged sexual harasser and the alleged victim to participate in the**
32 **investigation.**

33 (5) A clear prohibition against retaliation against an individual for filing a
34 complaint or testifying or participating in any way in an investigation or other
35 proceeding involving a complaint of sexual harassment.

36 ~~(5)~~(6) **A general description of the possible disciplinary actions which**
37 **may occur after the conclusion of the investigation.**

38 (7) **A statement apprising public servants of applicable federal and state law**
39 **on sexual harassment, including the right of the complainant to pursue a claim**
40 **under state or federal law, regardless of the outcome of the investigation.**

41 * * *

1 AMENDMENT NO. 6

2 On page 2, line 20, delete "a valid claim of"

3

4 AMENDMENT NO. 7

5 On page 2, line 21, change "has been filed" to "has occurred"

6 AMENDMENT NO. 8

7 On page 4, delete lines 1 through 9

8 AMENDMENT NO. 9

9 On page 4, line 10, change "B." to "A."

10 AMENDMENT NO. 10

11 On page 4, line 14, change "C." to "B."

12 AMENDMENT NO. 11

13 On page 4, delete line 15, and insert:

14 "that the claim of sexual harassment was intentionally false, the agency head
15 shall determine the appropriate"

16 AMENDMENT NO. 12

17 On page 4, line 16, after "complainant" delete the remainder of the line and add a period
18 "."

19 AMENDMENT NO. 13

20 On page 4, line 17, change "Settlements" to "Litigation and settlements"

21 AMENDMENT NO. 14

22 On page 4, at the beginning of line 18, insert "A."

23 AMENDMENT NO. 15

24 On page 4, at the end of line 19, delete "the"

25 AMENDMENT NO. 16

26 On page 4, at the beginning of line 20, delete "state, through the state agency,"

27 AMENDMENT NO. 17

28 On page 4, line 21, after "determines that" delete the remainder of the line and insert
29 "sexual harassment did occur, the sexual"

30 AMENDMENT NO. 18

31 On page 4, line 24, change "be responsible for, if" to "contribute to any compromise of
32 the claim,"

33 AMENDMENT NO. 19

34 On page 4, line 25, delete "attorney general has determined that the alleged"

1 AMENDMENT NO. 20

2 On page 4, line 27, delete "alleged"

3 AMENDMENT NO. 21

4 On page 4, delete line 28

5 AMENDMENT NO. 22

6 On page 4, line 29, change "(3)" to "(2)"

7 AMENDMENT NO. 23

8 On page 5, line 1, change "(4)" to "(3)"

9 AMENDMENT NO. 24

10 On page 5, line 2, change "(5)" to "(4)"

11 AMENDMENT NO. 25

12 On page 5, between lines 2 and 3, insert:

13 "B. When a lawsuit is filed against the state due to a claim of sexual
14 harassment which results in a final judgement against the state, the attorney
15 general, on behalf of the state, may file suit against the sexual harasser to assert
16 and enforce the state's right to reimbursement and indemnity from the sexual
17 harasser. The attorney general is also entitled to recover from the alleged
18 sexual harasser all costs and reasonable attorney fees incurred in asserting that
19 right.

20 C. The attorney general shall receive as compensation an amount not to
21 exceed twenty-five percent of the total monies recovered from the enforcement
22 of the state's right to reimbursement from the sexual harasser, as set forth in
23 this Chapter, to be deposited into the Department of Justice Debt Collection
24 Fund. The attorney general, the office of risk management or the exempted
25 institution, and the agency shall determine whether the interests of the state are
26 best served by litigation or by the making of an offer or the acceptance of an
27 offer to settle or compromise the claim or litigation."